

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRACY CLARE MICKS-HARM,
(and other related Plaintiffs)

Lead Case No. 18-12634

Hon. Denise Page Hood
Magistrate R. Steven Whalen

Plaintiff,

vs.

WILLIAM PAUL NICHOLS ET AL.,

**iPatient Care Inc.'s Motion to
Dismiss all Newly Consolidated
Cases in Lieu of Answering**

Defendants.

Consolidated with Case Nos.
18-13206, 18-13639, 18-13647,
19-10125, 19-10126, 19-10132
19-10135, 19-10299, 19-20648,
19-19785, 19-10639, 19-10661,
19-10649, 19-10990, 19-10841
19-10295, 19-10984

**DEFENDANT IPATIENTCARE INC.'S MOTION TO DISMISS ALL
NEWLY CONSOLIDATED CASES IN LIEU OF ANSWERING**

NOW COMES Defendant, IPATIENTCARE INC. ("IPC"), by and through
its legal counsel, Robert S. Iwrey Esq. and James R. Witham Esq., of THE HEALTH
LAW PARTNERS, P.C., and states as follows:

On February 20, 2019, this Court entered an order consolidating the
following cases:

1. Micks-Harm v. Nichols, et al. 18-cv-12334

2. Nichols v. Nichols, et al. 18-cv-13206
3. Helm v. Arnold et al. 19-cv-13639
4. Helm v. Nichols, et al. 19-cv-13647
5. Cook v. William et al. 19-cv-10125
6. Cook v. Nichols, et al. 19-cv-10126
7. Cook v. Nichols, et al. 19-cv-10132
8. Cook v. Nichols, et al. 19-cv-10135
9. Blakesley v. Nichols et al. 19-cv-10299

On February 22, 2019 and March 22, 2019, IPC filed its Motion to Dismiss and Reply Brief, respectively (See ECF No. 32 and 118). Since then at various times, other identical companion cases have been filed, removed, and consolidated with the present case. These include:

10. Smith v. Nichols et al. 19-cv-10995
11. Berry v. Nichols et al. 19-cv-10648
12. Mills v. Nichols et al. 19-cv-10649
13. Clark for Johnson v. Nichols et al. 19-cv-10639
14. Drummonds v. Nichols et al. 19-cv-10785
15. Blakesley v. Nichols et al. 19-cv-10295
16. Smallwood v. Nichols et al. 19-cv-10841
17. Zurecki v. Nichols et al. 19-cv-10984
18. Smith v. Nichols et al. 19-cv-10990
19. Knierim v. Nichols et al. 19-cv-10661 (voluntarily dismissed)

Additionally, there is at least one case that has been removed and transferred to this Court but not yet consolidated; Johnson v. Nichols et al. 10-cv-10663.

The arguments IPC made in its previous motion, reply and supplement brief apply with equal force to the allegations made within the new companion cases listed

above. For the same reason listed in ECF No. 32 and 118, the cases listed above should be dismissed.

For the foregoing reasons, IPC respectfully request that this Honorable Court grant IPC's Motion to Dismiss, dismiss (current and future related) Plaintiff's claims against IPC with prejudice, and award costs and fees incurred by IPC as a result of these frivolous actions.

Dated: April 18, 2019

Respectfully submitted,

THE HEALTH LAW PARTNERS, P.C.

By: /s/ James R. Witham

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of April 2019, Defendant iPatientCare Inc.'s Motion to Dismiss all Newly Consolidated Cases in Lieu of Answering was filed with the Clerk of the Court through the ECF system which will give notice to all parties of record. In addition, I further certify that the following entities/individuals were served via U.S. mail, certified return receipt, postage prepaid on April 19, 2019:

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